

REFERENCE TITLE: **presidential preference primary; repeal**

State of Arizona  
Senate  
Forty-seventh Legislature  
Second Regular Session  
2006

# **SB 1101**

Introduced by  
Senator Harper

AN ACT

AMENDING SECTION 16-168, ARIZONA REVISED STATUTES; REPEALING TITLE 16,  
CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES; RELATING TO PRESIDENTIAL  
PREFERENCE ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 16-168, Arizona Revised Statutes, is amended to  
3 read:

4           16-168. Precinct registers; date of preparation; contents;  
5           copies; reports; statewide database; violation;  
6           classification

7       A. By the tenth day preceding the primary and general elections the  
8 county recorder shall prepare from the original registration forms or from  
9 electronic media at least four lists that are printed or typed on paper of  
10 all qualified electors in each precinct in the county, and the lists shall be  
11 the official precinct registers.

12      B. The official precinct registers for use at the polling place shall  
13 contain at least the names in full, party preference, date of registration  
14 and residence address of each qualified elector in the respective  
15 precincts. The names shall be in alphabetical order and, in a column to the  
16 left of the names, shall be numbered consecutively beginning with number 1 in  
17 each precinct register.

18      C. For the purposes of transmitting voter registration information as  
19 prescribed by this subsection, electronic media in counties with a population  
20 over five hundred thousand PERSONS in the last decennial census shall be the  
21 principal media. A county or state chairman who is eligible to receive  
22 copies of precinct lists as prescribed by this subsection may request that  
23 the recorder provide a paper copy of the precinct lists. The county  
24 recorder, in addition to preparing the official precinct lists, shall provide  
25 a means for mechanically or electronically reproducing the precinct lists and  
26 unless otherwise agreed shall deliver within eight days after the close of  
27 registration for the primary and general elections, without charge, on the  
28 same day one electronic media copy of each precinct list within the county to  
29 the county chairman and one electronic media copy to the state chairman of  
30 each party that has at least four candidates other than presidential electors  
31 appearing ~~upon~~ ON the ballot in that county at the current election. The  
32 county recorder shall also deliver, ~~upon~~ ON request and without charge, one  
33 electronic media copy of the precinct list to the Arizona legislative  
34 council. The county recorder of a county with a population of five hundred  
35 thousand or fewer persons, on the same day precinct lists are delivered to  
36 county chairmen, shall deliver one electronic media copy of each precinct  
37 list within the county to the state chairman of each party that has at least  
38 four candidates other than presidential electors appearing on the ballot in  
39 this state at the current election. The copies of the precinct lists shall  
40 be electronic media ~~which~~ AND shall include for each elector the following  
41 information:

- 42       1. Name in full and appropriate title.  
43       2. Party preference.  
44       3. Date of registration.  
45       4. Residence address.

- 1       5. Mailing address, if different from residence address.
- 2       6. Zip code.
- 3       7. Telephone number if given.
- 4       8. Birth year.
- 5       9. Occupation if given.

6       10. Primary election and general election voting history for the prior  
7       four years and any other information regarding registered voters ~~which~~ THAT  
8       the county recorder or city or town clerk maintains electronically and which  
9       is public information.

10      D. The names on the precinct lists shall be in alphabetical order and  
11     the precinct lists in their entirety, unless otherwise agreed, shall be  
12     delivered to each county chairman and each state chairman at least quarterly  
13     and within ten business days of the close of each quarter in the same format  
14     and media as prescribed by subsection C of this section.

15      E. Precinct registers and other lists and information derived from  
16     registration forms may be used only for purposes relating to a political or  
17     political party activity, a political campaign or an election, for revising  
18     election district boundaries or for any other purpose specifically authorized  
19     by law and may not be used for a commercial purpose as defined in section  
20     39-121.03. The sale of registers, lists and information derived from  
21     registration forms to a candidate or a registered political committee for a  
22     use specifically authorized by this subsection does not constitute use for a  
23     commercial purpose. The county recorder, on a request for an authorized use  
24     and within thirty days from receipt of the request, shall prepare additional  
25     copies of an official precinct list and furnish them to any person requesting  
26     them on payment of a fee equal to five cents for each name appearing on the  
27     register for a printed list and ten cents for each name for an electronic  
28     data medium, plus the cost of the blank computer disk or computer software if  
29     furnished by the recorder, for each copy so furnished.

30      F. Any person in possession of a precinct register or list, in whole  
31     or part, or any reproduction of a precinct register or list, shall not permit  
32     the register or list to be used, bought, sold or otherwise transferred for  
33     any purpose except for uses otherwise authorized by this section. A person  
34     in possession of information derived from voter registration forms or  
35     precinct registers shall not distribute, post or otherwise provide access to  
36     any portion of that information through the internet except as authorized by  
37     subsection J of this section. Nothing in this section shall preclude public  
38     inspection of voter registration records at the office of the county recorder  
39     for the purposes prescribed by this section, except that the month and day of  
40     birth date, the social security number or any portion thereof, the driver  
41     license number or nonoperating identification license number, the unique  
42     identifying number prescribed by this section, the Indian census number, the  
43     father's name or mother's maiden name, the state or country of birth and the  
44     records containing a voter's signature shall not be accessible or reproduced  
45     by any person other than the voter, by an authorized government official in

1 the scope of the official's duties, for signature verification on petitions  
2 and candidate filings, for election purposes and for news gathering purposes  
3 by a person engaged in newspaper, radio, television or reportorial work, or  
4 connected with or employed by a newspaper, radio or television station or  
5 pursuant to a court order. A person who violates this subsection or  
6 subsection E of this section is guilty of a class 6 felony.

7 G. The county recorder shall count the registered voters by political  
8 party by precinct, legislative district and congressional district as  
9 follows:

10 1. In even numbered years, the county recorder shall count all persons  
11 who are registered to vote as of:

- 12 (a) January 1.
- 13 (b) March 1.

14 (c) The last day on which a person may register to be eligible to vote  
15 in the next primary election.

16 (d) The last day on which a person may register to be eligible to vote  
17 in the next general election.

18 (e) ~~The last day on which a person may register to be eligible to vote  
19 in the next presidential preference election.~~

20 2. In odd numbered years, the county recorder shall count all persons  
21 who are registered to vote as of:

- 22 (a) January 1.
- 23 (b) April 1.
- 24 (c) July 1.
- 25 (d) October 1.

26 H. The county recorder shall report the totals to the secretary of  
27 state as soon as is practicable following each of the dates prescribed in  
28 subsection G of this section. The report shall include completed  
29 registration forms returned in accordance with section 16-134, subsection B.  
30 The county recorder shall also provide the report in a uniform electronic  
31 computer media format that shall be agreed ~~upon~~ ON between the secretary of  
32 state and all county recorders. The secretary of state shall then prepare a  
33 summary report for the state and shall maintain that report as a permanent  
34 record.

35 I. The county recorder and the secretary of state shall protect access  
36 to voter registration information in an auditable format and method specified  
37 in the secretary of state's electronic voting system instructions and  
38 procedures manual that is adopted pursuant to section 16-452.

39 J. The secretary of state shall develop and administer a statewide  
40 database of voter registration information that contains the name and  
41 registration information of every registered voter in this state. The  
42 database shall include an identifier that is unique for each individual  
43 voter. The database shall provide for access by voter registration officials  
44 and shall allow expedited entry of voter registration information after it is  
45 received by county recorders. As a part of the statewide voter registration

1 database, county recorders shall provide for the electronic transmittal of  
2 that information to the secretary of state on a daily basis. The secretary  
3 of state shall provide for maintenance of the database, including provisions  
4 regarding removal of ineligible voters that are consistent with the national  
5 voter registration act of 1993 (P.L. 103-31; 107 STAT. 77; 42 United States  
6 Code section 394) and the help America vote act of 2002 (P.L. 107-252; 116  
7 STAT. 1666; 42 UNITED STATES CODE SECTIONS 15301 THROUGH 15545), provisions  
8 regarding removal of duplicate registrations and provisions to ensure that  
9 eligible voters are not removed in error.

10 K. For requests for the use of registration forms and access to  
11 information as provided in subsections E and F of this section, the county  
12 recorder shall receive and respond to requests regarding federal, state and  
13 county elections.

14 Sec. 2. Repeal

15 Title 16, chapter 2, article 4, Arizona Revised Statutes, is repealed.